APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,736	05/11/2001	Paul A. Johnson	135829/ATL-2001-004	6491

24587	7590	03/21/2005		

ALCATEL USA
INTELLECTUAL PROPERTY DEPARTMENT
3400 W. PLANO PARKWAY, MS LEGL2
PLANO, TX 75075

EXAMINER
WU, QING YUAN

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 June 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _11 May 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _5/11/01, 6/9/03_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-33 are pending in the application.

2.   It is noted that the present application does contain line numbers in the claim and

specification. However, the line numbers in the claims do not correspond to the preferred

format. The preferred format is to number each line of every claim, with each claim beginning

with line 1. For ease of reference by both the Examiner and Applicant all future correspondence

should include the recommended line numbering.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

4.   Claims 11-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter.

Claims 11-22 are directed to method steps which can be practiced mentally in

conjunction with pen and paper, therefore they are directed to non-statutory subject matter.

Specifically, as claimed, it is uncertain what performs each of the claimed method steps. The

claimed steps do not define a machine or computer implemented process [see MPEP 2106].

(The examiner suggests applicant to change "method" to "computer implemented method" in the

preamble to overcome the outstanding 35 U.S.C. 101 rejection).

Claim 23 exhibit similar problem, therefore it is rejected for the same reason.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   Claims 11-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

      a.   The following terms lack antecedent basis:

           i.   The procedure caller- claim 22, lines 9-10.

           ii.   Said communication channel- claim 23, line 14.

      b.   The following claim language is indefinite:

           i.   As per claim 11, it is uncertain whether "said channels" in lines 7 and 11 refers to "initial channels" in line 3 or "additional channels" in line 6 (i.e. if it refers to "initial channels" then "said initial channels" should be used).

           ii.   As per claim 11, it is uncertain what "EMS" means (i.e. element management systems) and its relationship to event suppliers (i.e. what does connecting an EMS to the channels have to do with transport of events from events suppliers to event consumer?).

           iii.   As per claim 23, it is uncertain whether "said communication" in line 16 refers to "a communications network" in line 5 (i.e. if it does then "said communications network" should be used).

iv.   As per claim 24, this claim is rejected for the same reasons as claim 11

above.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

8.   Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koo et al

(hereafter Koo) (US Patent 6,704,785).

9.   As to claim 11, Koo teaches the invention substantially as claimed including an event

publishing service (EPS) method comprising:

building initial channels, registering said channels in a naming service, creating

additional channels, connecting an EMS to said channels, registering new channels in said

naming service [existing channel, new channel, col. 4, lines 25-33; col. 5, lines 21-39; col. 6,

lines 7-8, 16-32; col. 7, lines 1-3; col. 8, lines 53-59].

wherein

said channels are used to transport events from event suppliers to event consumers [col.

2, lines 23-25; col. 3, lines 48-52; col. 4, lines 21-23; Fig. 1].

10. Koo does not specifically teach reading a configuration file, and waiting for connection requests. However, Koo disclosed existing channel, dynamically creating new channel [existing channel, new channel, col. 4, lines 25-27], channels tailored to carry information [col. 4, lines 48-50], and creating channels based on various event types [col. 10, lines 30-31]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that the existing channel(s) are built based on requirements of suppliers and consumers and the creation of new channel(s) (i.e. specific number of channels) are based on the need for channels to transport more events.

11. As to claim 12, Koo teaches the invention substantially as claimed including wherein said event suppliers and event consumers reside on separate nodes within a computer network [col. 9, line 65-col. 10, line 4].

12. As to claim 13, Koo teaches the invention substantially as claimed including wherein one or more steps of said method is implemented within an application programming interface (API) [col. 2, lines 39-68].

13. As to claim 14, Koo teaches the invention substantially as claimed including wherein said transport occurs over the Internet [col. 9, line 65-col. 10, line 19].

14.   As to claim 15, Koo teaches the invention substantially as claimed including wherein one

or more steps of said method is implemented on a personal computer (PC) [col. 1, line 62-col. 2,

line 2; col. 10, line 49-col. 11, line 8; Fig. 6].

15.   As to claims 16-20, Koo does not specifically teach wherein said personal computer

utilizes a HP-UXTM, LINUX, SOLARIS, UNIX, and Microsoft Windows operating

environment. However, Koo disclosed the difference in the computer systems of suppliers and

consumer [col. 1, lines 37-40] and utilizing CORBA to implement event-driven communications

untilizing various data access protocols which exist to facilitate the transfer of data between

disparate systems [col. 2, lines 39-68]. It would have been obvious to one of an ordinary skill in

the art at the time the invention was made, to have recognized that Koo took into consideration

the various operating systems and to implement his teaching in various platforms.

16.   As to claim 21, this claim is rejected for the same reason as claim 11 above. In addition

Koo teaches substantially:

        determining the number of channels [col. 9, lines 39-61; col. 10, lines 30-31];

        determining the event types to be carried by said channels [col. 4, lines 48-50; col. 5,

lines 25-31];

        determining the quality of service properties for said channels [col. 4, lines 48-50; col. 7,

lines 7-9, 43-44];

        determining said channel names [col. 7, lines 1-3];

        determining said channel connectivity [col. 6, lines 47-58; col. 7, lines 49-52]; and

determining if there are more channels, and if so proceeding to step (3) [col. 9, lines 39-61; col. 10, lines 30-31].

17.   As to claim 22, this claim is rejected for the same reason as claim 11 above. In addition Koo teaches substantially:

obtaining an EventchannelFactory object [col. 6, lines 8-13; col. 9, lines 5-7];

creating a channel [col. 6, lines 16-20];

obtaining SupplierAdmin from said channel, creating a Proxyconsumer [col. 9, lines 7-12].

18.   As to claim 1, this claim is rejected for the same reason as claim 11 above. In addition, Koo teaches substantially one or more event suppliers [col. 10, lines 64-65; 611, 631-632, Fig. 6], one or more event consumers [col. 10, lines 60-64; 612, 621-623, 641-642, Fig. 6], one or more notification channel means [col. 10, lines 41-42; channels 1 and 2, Fig. 1].

19.   As to claims 2-10, these are system claims that correspond to method claims 12-20. Therefore, they are rejected for the same reason as method claims 12-20 above.

20.   As to claim 23, this claim is rejected for the same reason as claims 1,11 and 12 above. In addition, Koo teaches substantially:

encoded event signaling data; and said coordination occurs via encoding of event

information from said event suppliers to said event consumers via said communication channel

[col. 8, line 63-col. 9, line 14];

said event publishing service permits event consumers to obtain event channels for said

communication and permits said event suppliers connect to said event channels [col. 7, lines 28-

43].

21.   As to claims 24-33, these are computer usable medium having computer-readable

program code claims that correspond to method claims 11-20. Therefore, they are rejected for

the same reason as method claims 11-20 above.

22.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The

examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR
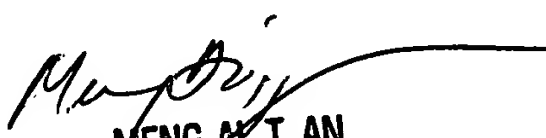
system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

Art Unit 2194

MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100